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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,967	08/05/2003	Michael A. Cook	0103-0021(ZM0538)	8795

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EXAMINER

WOODALL, NICHOLAS W

ART UNIT	PAPER NUMBER
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3733

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/634,967

Applicant(s)

COOK ET AL.

Examiner

Nicholas Woodall

Art Unit

3733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it does not contain the technical disclosure of the invention. Also, the abstract of the disclosure to because it is using phrases which can be implied, e.g. "The present invention provides". Correction is required. See MPEP § 608.01(b).

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology

Art Unit: 3733

often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hajianpour (U.S. 6,286,401).

Hajianpour discloses a screwdriver with a holding feature for socket head screws (reference figures 4 and 5 below). Regarding claim 1, Hajianpour shows an instrument with a body (12, 14, 16, and 34) that includes a first end, a second, and an axis between. Hajianpour also shows an engagement tip (16) adjacent to the second end that is receivable by the work piece. The tip (16) is divided by a slit (56) that form segments with the ability to extend outwardly and grip a screw or nail. Regarding claim 2, Hajianpour discloses an instrument that engages a screw or nail in an axial direction. Regarding claim 3, Hajianpour shows an instrument that has a body with a bore (44 and 46) that extends from the first end of the instrument towards the tip of the instrument and continues a predetermined distance past the beginning of the slits (56). Hajianpour also teaches an actuator (20, 32, 38, 40, 42, and 48) having a shaft (38) that is placed

Art Unit: 3733

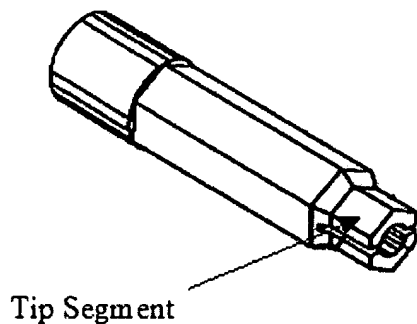
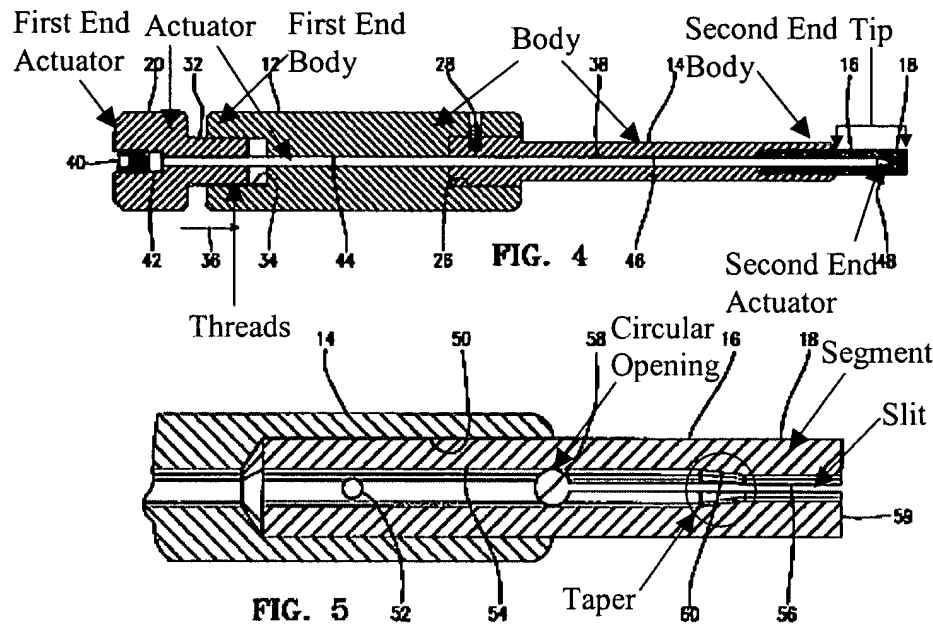
into the bore (44 and 46) of the instrument body (reference figure 4 below). The actuator can be translated axial through the body of the instrument between an unlocked position, in which the actuator is not biasing the tip segments, and a locked position, in which the actuator is biasing the tip segments. Regarding claim 4, Hajianpour shows an actuator that uses threads (32) to engage threads (34) within the body of the instrument (column 4 lines 29-31). Turning the actuator causes it to turn axially between the locked and unlocked positions (column 4 lines 32-34). Regarding claims 5-7, Hajianpour shows that body contains a bore (44 and 46) that contains a tapered section with a larger first diameter and a second smaller diameter. The taper is located past the beginning of the slit (56) located in the tip (16) of the instrument. When the actuator is engaged with the taper, the segments of the instrument tip (16) are expanded outwardly (column 5 lines 3-7). Regarding claim 8, Hajianpour shows an actuator with a tapered end (48) that bias the segments of the instruments tip (16) when engaged with the taper in the bore (44 and 46) of the body. Regarding claim 9, Hajianpour shows the bore (44 and 46) extends completely through the body of the instrument. Regarding claim 10, Hajianpour shows that the slits (56) that through the tip (16) of the instrument terminate with a circular opening (58) to reduce stress concentrations (column 4 lines 51-54). Figure 5 shows the radius of the circular opening (58) to be greater than half the width of the slit (56). Regarding claim 11, Hajianpour shows an instrument tip (16) that engages a screw or nail in a torque transmitting relationship. Regarding claims 12 and 13, Hajianpour shows an instrument tip (16) that has a hexagon shape, reference figure 10 below, which includes flats and vertices to increase the engagement between a screw or nail and the

Art Unit: 3733

instrument tip (16). Regarding claim 14, Hajianpour disclose that the segments of the instrument tip (16), when biased by the actuator, have at least one vertex that engages the screw or nail. Regarding claim 15 and 16, Hajianpour discloses an instrument that can be used on any screw or pin, including pins or screws used in rotating hinge knee prosthesis, with an internal socket. Regarding claim 17, Hajianpour discloses an instrument that can be used for gripping the pin of a knee prosthesis. The instrument comprises a body (12, 14, 16, and 34) with an elongated shaft, a polygonal engagement tip (16), the tip (16) having slits (56) that divide the tip (16) into a plurality of segments that can be biased outwardly to grip a screw or nail axially. The body also contains a bore (44 and 46) from the first end past the beginning of the slits (56) a predetermined distance into the tip (16). The instrument also includes an actuator (20, 32, 38, 40, 42, and 48) that has a shaft (38) that translates axially through the bore (44 and 46) of the body. The actuator shifts between an unlocked position and a locked position, in which the actuator is biasing the segments of the instrument tip (16) outward. Regarding claim 17, Hajianpour shows the actuator uses threads (36) to engage threads (34) within the body of the instrument. Turning the actuator translates between the unlocked and locked positions. Regarding claim 19, Hajianpour discloses an instrument that has a shaft with an axis and engagement tip (16) at one end. The tip includes slits (56) that divide the tip (16) into separate segments that can be biased outward. The instrument includes an actuator that when moved within the body causes the segment of the instrument tip (16) to be biased outward. Hajianpour also discloses the instrument is inserted into an opening of a screw or nail, and the actuator translate toward the second

Art Unit: 3733

end to bias the segments of the tip (16) of the instrument outward to grip the screw or nail (column 4 lines 60-67 and column 5 lines 1-7).

**FIG. 10**

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference PTO-892 for cited art of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Woodall whose telephone number is (571) 272-5204. The examiner can normally be reached on Monday to Friday 8:00 to 5:30 EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on (571)272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NWW



EDUARDO C. ROBERT
SUPERVISORY PATENT EXAMINER